

claims that it has changed its position and will convene an industry meeting before taking back codes. This possibility should not appease the Commission. As illustrated by Pacific's action in adopting the overlay plan, Pacific cannot be trusted to abide by industry consensus. Although Pacific may convene an industry meeting, under its proposal it could unilaterally decide to take back numbers despite other industry members' protests in the same way that it already has ignored a substantial industry consensus that differed from Pacific's preference.

IV. NEW EVIDENCE SHOWS THAT CUSTOMERS PREFER SPLITS.

Until recently, consideration of consumer reaction to area code relief largely has relied on anecdotal evidence and conjecture. There is now empirical evidence of consumer preferences in the form of a survey conducted for Southern New England Telephone Company by the Taylor Group, Inc. This survey demonstrates the overwhelming preference of customers for geographic splits.^{5/}

The survey asked consumers to provide their preferences among three possible resolutions to the impending area code exhaust in the state of Connecticut. The three options were (1) a geographic split; (2) a "new customers" overlay, which was defined to be the same as a pure growth overlay; (3) a service-specific overlay, in which the new area code would be assigned only to specific services, such as cellular telephones and pagers. The survey used a sample of 864 residential customers and 502 business customers, with sub-samples of 200 cellular and 200 paging customers included in the residential sample.

Among all types of consumers — including residential and business customers, as well as customers who currently have cellular phones or pagers — the geographic split option was

^{5/} Southern New England Telephone filed the survey with the Connecticut Department of Public Utility Control on February 1, 1995, subsequent to the initial comment date in this proceeding. A copy of the survey results is attached as Exhibit 1.

preferred by a substantial margin. Geographic splits were preferred by a total of 54% of residential customers and 54% of business customers. The specific services overlay was a distant second choice, preferred by 27% of residential customers and 31% of business customers. The growth overlay was the least preferred option, chosen by 16% of residential customers and 12% of business customers. In addition to being the most preferred option, a geographic split also was acknowledged as the fairest option for everyone in the state. A total of 54% of residential customers and 60% of business customers believe that a geographic split would be the fairest option. In explaining why they would prefer a geographic split, 42% of residential customers and 41% of business customers stated that this option would be easier to understand, more logical, or less confusing than other options.

Moreover, after consumers listened to a list of benefits and drawbacks for each option, they were even more likely to prefer a geographic split. After the discussion of benefits and drawbacks, 57% of residential customers and 60% of business customers preferred a geographic split. In addition, the preference for geographic splits remained even if consumers were told that they would have to get a new area code. In fact, 91% of residential customers and 90% of business customers who preferred geographic splits stated that they would continue to prefer this option if they were to get the new area code. However, many consumers who chose an option other than a geographic split switched to preferring geographic splits if they were told they would keep the 203 area code. Among residential customers, 25% of those who originally chose overlays would prefer a geographic split if they would keep the 203 area code. Among business customers, 30% would prefer a geographic split.

This survey is overwhelming evidence that the Commission should adopt a preference for geographic splits. As interested parties other than the LECs have argued, consumers plainly prefer geographic splits to overlays because they are logical and less confusing than overlays.

In addition, consumers believe that geographic splits are the fairest method for dealing with area code exhaust, even if they are required to change their area code.

Although this survey was performed in Connecticut, it is applicable to the situation in California. There is no reason to suspect that consumers in California would feel any differently about the various options than consumers in Connecticut. It also is consistent with consumer reaction to overlays in other parts of the country, notably the Chicago area.^{6/} The Commission should consider this survey compelling evidence of customer preference throughout the United States.

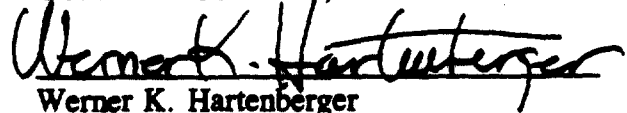
V. CONCLUSION

For the aforementioned reasons, Cox Enterprises, Inc. respectfully requests the Commission to act in accordance with the positions described herein.

Respectfully submitted,

COX ENTERPRISES, INC.

By:



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February 24, 1995

6/ See Wilma Randle, *Commission grants hearing for critics of 11-digit dialing*, CHICAGO TRIBUNE, Feb. 9, 1995, § 2, at 1; Wilma Randle, *State regulators hit redial on debate over 3rd area code*, CHICAGO TRIBUNE, Feb. 16, 1995, § 2, at 10. Copies of these articles are attached as Exhibit 2.

CERTIFICATE OF SERVICE

I, Tammi A. Foxwell, a secretary at the firm of Dow, Lohnes & Albertson, do hereby certify that on this 27th day of February, 1995, I caused a complete copy of the foregoing "Reply Comments of Cox Enterprises, Inc." to be sent via first-class mail, postage prepaid, except where indicated as hand delivery, to the following:

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2/ Via hand delivery.

PROPOSED RULE APPENDIX

COX COMMUNICATIONS, INC. CC DOCKET No. 96-98

[THESE RULES ARE IN ADDITION TO THE RULES SUBMITTED WITH COX'S MAY 16, 1996 COMMENTS IN THIS PROCEEDING]

PART 99—COMMISSION RULES IMPLEMENTING THE TELECOMMUNICATIONS ACT OF 1996

* * * *

§99.6 Criteria for area code relief plans

(a) The following requirements shall apply to any area code relief plan adopted through industry processes or approved by a State utility commission or equivalent body:

(1) *Overlays prohibited without number portability.* No area code overlay shall be implemented after the effective date of this rule unless permanent telephone number portability has been implemented in the entire region that would be covered by the overlay on the date when the area code relief plan for that region is approved by the appropriate industry group or State utility commission or equivalent body.

(2) *Service specific overlays prohibited.* No area code overlay that requires only specific services to obtain numbers from the area code overlay or that exempts one or more telecommunications services from obtaining numbers from the area code overlay shall be implemented after the effective date of this rule.

(3) *Three-way area code splits.* Notwithstanding any industry guidelines, industry groups and State utility commissions or equivalent bodies shall be permitted to adopt three-way area code splits as area code relief plans when they determine that such relief plans otherwise best meet the overall needs of a region that is the subject of area code relief planning.

(4) *Unbalanced area code lives.* Notwithstanding any industry guidelines, industry groups and State utility commissions or equivalent bodies shall be permitted to adopt area code relief plans that include unbalanced projected area code lives, provided that, where there is a difference of more than two years or twenty percent, whichever is less, between the shortest life and the longest life of the area codes resulting from the relief plan, the area with the shortest life shall retain the existing area code.

(b) Definitions. For purposes of this section:

(1) "Area code" shall have the same meaning as "numbering plan area" under the North American Numbering Plan.

(2) "Area code overlay" shall mean a method of relieving the exhaust of numbers in an area code by adding a new area code that covers all or part of the geographic region covered by the existing area code without assigning any existing telephone numbers to the new area code.

(3) "Area code split" shall mean a method of relieving the exhaust of numbers in an area code by splitting the existing area code into two or more geographic regions, one of which retains the existing area code and the others of which are assigned new area codes.

§99.7 Central office code assignment policies.

(a) Non-discriminatory assignment required. No administrator of central office codes shall be permitted to discriminate in the assignment of such codes to telecommunications carriers. No administrator of central office codes shall apply any requirements in addition to those contained in the central office code assignment guidelines administered by the North American Numbering Council. No telecommunications carrier shall be denied the assignment of a central office code on the ground that it is not certified to provide service by a State utility commission or equivalent body.

(b) "Code opening" fees prohibited. No local exchange carrier shall be permitted to levy a charge on a telecommunications carrier for opening a central office code in the local exchange carrier's network or for taking other steps necessary to permit calls to numbers in a new central office code assigned to the telecommunications carrier.

(c) Definition of "central office code." For the purposes of this section, the term "central office code" refers to the fourth, fifth and sixth digits in a ten-digit telephone number, also referred to as the D, E and F digits, under the North American Numbering Plan.

§99.8 Disclosure of changes in incumbent LEC networks.

(a) Notice required. All incumbent local exchange carriers shall provide notice of any proposed changes in any information relating to their networks that affects the ability of interconnecting telecommunications carriers to provide service or perform their transmission functions, including but not limited to signaling and transmission protocols, specific data passed between networks and formats of transmission. The notice provided by the incumbent local exchange carrier must be sufficient to inform all parties receiving the notice of the

technical modifications that will result from the changes, the network locations that will be affected by the changes and the date or dates on which the changes will occur.

(b) Date when notice must be provided. Any incumbent local exchange carrier providing notice pursuant to subsection (a) must provide that notice:

(i) For changes that are scheduled to take place one year or more from the make/buy point, both at the make/buy point and one year before the changes are implemented.

(ii) For changes that are scheduled to take place less than one year but more than six months from the make/buy point, at the make/buy point.

(iii) For changes that are scheduled to take place six months or less from the make/buy point, six months before the changes are made.

(c) Where notice is to be sent. Any incumbent local exchange carrier providing notice pursuant to subsection (a) must provide that notice to:

(i) A designated contact person at each carrier with which the incumbent local exchange carrier interconnects or, if an interconnecting carrier does not designate a contact, to the address where the interconnecting carrier normally receives correspondence from the incumbent local exchange carrier for the area affected by the changes.

(ii) Any State utility commissions or equivalent bodies in the area affected by the changes.

(iii) The Industry Analysis Division of the Commission.

(d) Penalties for failure to provide required notice. In addition to any other penalties that may be applicable pursuant to the Commission's authority under the Communications Act, any incumbent local exchange carrier also shall be required to provide direct notice to the customers of any interconnecting carrier that is affected by a change that was not properly disclosed in accordance with the requirements of this section. The interconnecting carrier shall not be required to provide its customer list to the incumbent local exchange carrier for the purposes of this notice, but shall be permitted to assess the incumbent local exchange carrier for the costs of printing and mailing the notice.

(e) Definition of "make/buy point." For the purposes of this section, the term "make/buy point" shall mean the date when an incumbent local exchange carrier decides to make itself, or to procure from an unaffiliated entity, any product the design of which affects or relies on the network interface, including any changes in software.

CERTIFICATE OF SERVICE

I, Tammi A. Foxwell, a secretary at the law firm of Dow, Lohnes & Albertson, do hereby certify that on this 20th day of May, 1996, I caused copies of the foregoing "Comments of Cox Communications, Inc." to be served via hand-delivery, to the following:

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